## MAR 29 2011

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JUL	IA C. DUDLEY, ÇLERK
BY:	DEPUTY CLERK
	DEPUTY/CLERY

CHRISTOPHER DEAN HUBBARD,	)
Petitioner,	) Case No. 7:11CV00100
v.	)
	) <u>FINAL ORDER</u> )
COMMONWEALTH,	) By: Glen E. Conrad
	) Chief United States District Judge
Respondent.	)

In accordance with the accompanying memorandum opinion, it is hereby

## ADJUDGED AND ORDERED

that the petitioner's motion to proceed in forma pauperis (ECF No. 7) is **GRANTED**, but the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

Chief United States District Judge